

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:12CR39
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
DANIEL OCHOA-GUERRA,	)	
	)	
Defendant.	)	

This matter is before the Court on the motion of defendant Daniel Ochoa-Guerra (Ochoa-Guerra) for an extension of the pretrial motion deadline (Filing No. 23). The motion does not comply with NECrimR 12.1 (a) and paragraph 9 of the Progression Order (Filing No. 17) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Accordingly, the motion (Filing No. 23) is :

( X ) Held in abeyance pending compliance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before April 4, 2012**, the motion will be deemed withdrawn and termed on the docket.

( ) Denied.

**IT IS SO ORDERED.**

DATED this 28th day of March, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge